

positions with each position corresponding to a different mounting orientation. Lange does not disclose this configuration.

The examiner argues that Lange discloses a base part 20 movably mounted on a rail 8 and a clamping part 9b that is mounted for swiveling movement on the base part 20. Applicant respectfully disagrees with this interpretation of Lange.

While it is well settled that the terms in a claim are to be given their broadest reasonable interpretation, this interpretation must be consistent with the specification, with claim language being read in light of the specification as it would be interpreted by one of ordinary skill in the art. In re Bond, 15 USPQ2d 1566, 1567 (Fed. Cir. 1990). Here, the examiner has improperly expanded the meaning to be given to the claim term “clamping part.” Applicant’s clamping part 12 is mounted to the base part 10 such that the window pane is supported between the clamping part 12 and the base part 10. The base part 10 includes a sliding portion 16 that receives sliding pieces 18 to guide the base part 10 along a rail.

Component 9b in Lange, which the examiner argues corresponds to applicant’s claimed clamping part, is not a clamping part. Instead, components 9a and 9b of Lange form a sliding mechanism that engages the rail 8. In the list of components at column 4 of Lange, component 9 is identified as “Gleiter,” which is the German word for “slider.” The English abstract submitted with Lange also identifies component 9 as a “slide-piece.” The list of components at column 4 also identifies components 9a and 9b as “Stutzblech,” which means support plates. These support plates 9a, 9b cooperate with each other to form the slider 9.

Lange utilizes other components for clamping. Lange provides a clamping mechanism with two spaced clamping parts 10a, 10b that cooperate with clamping jaws 2 to hold the

window pane 7 therebetween. The clamping part 10a (at the right of Figure 1) is connected to slider 9, which is received within guide rail 8 that extends along the displacement path of the window pane 7. These components are clearly identified in the English abstract that was provided for the Lange reference.

Between each clamping part 10a, 10b and each corresponding clamping jaw 2 is a rubber element 3 that contacts the window pane 7. By using the rubber elements 3, which have inner surfaces 31, 32 that act on the window pane 7 as clamping surfaces, the actual clamping surface is arranged in front of, i.e. to one side of, profiled guide 1. Slider portion 9b is behind, i.e. on an opposite side of, the profiled guide 1. The configuration provided by Lange ensures that the window pane is solely clamped in the designated clamping areas 10a, 10b.

Thus, component 9b of Lange does not provide any type of clamping function. As clearly shown in Figure 3 of Lange, the window pane is clamped between component 10a and clamping jaw 2. This clamping occurs even if component 9b is not assembled to the profiled guide 1. Thus, component 9b is clearly not a clamp and one of ordinary skill in the art simply would not consider component 9b of Lange as corresponding to the claimed clamping part, especially when Lange clearly identifies other components, i.e. components 10a, 10b, and 2, as providing the clamping mechanism.

The examiner also argues that Lange discloses a clamping part 9b that allows for at least two positions where each of the two positions corresponds to a different mounting orientation. Applicant respectfully disagrees with this interpretation of Lange.

For the reasons set forth above, applicant asserts that component 9b cannot be reasonably interpreted to correspond to the claimed clamping part. However, even assuming component 9b

can form a clamping part, this component cannot be mounted in two different positions. Component 9b is attached to component 9a by a plurality of rivets that extend through openings 98. Further, in order to accurately and precisely orientate component 9b relative to component 9a, openings 97b are provided in component 9b that receive projections 97a formed on component 9a. When viewing Figure 3, due to the specified mounting configuration, it is clear that there is only one position in which component 9b can be attached to component 9a. If component 9b were to be rotated to any position other than that which is shown in Figure 3, the openings 97b would not be aligned with the projections 97a. Thus, component 9b can only be attached to component 9a in one mounting position.

The examiner argues that Lange allows for at least two mounting positions because the clamping part 9b is swivelly mounted on the base part 20 such that the clamping part 9b and base part 20 can rotate with respect to each other. This is not relevant to the language set forth in claim 1. Claim recites that the arresting mechanism secures the clamping part on the base part in one of at least two positions, each of the at least two positions corresponding to a different *mounting* orientation. The swiveling movement to which the examiner refers concerns a clearance between the slider 9 and rail 8 to allow restricted swiveling between the profiled guide 1 joined to the slider 9 and the guide rail 8 along the vehicle's transverse axis. See English abstract. This has nothing to do with different mounting orientations of the clamping part to the base part.

The examiner further states, "Assuming that the applicant is arguing that the clamping part 9b cannot be mounted to component 9a in multiple positions in [sic] not readily understood by the Examiner since the clamping part 9b is rotatably mounted thereto." For the reasons set

forth above, it is clear from Figure 3 of Lange that component 9b of Lange is fastened to component 9a with fasteners via fastening openings 98 such that there is no swiveling movement between components 9a, 9b.

Applicant is claiming that the clamping part is secured to the base part in multiple different mounting orientations. The benefit of this is that a common part can be used for different rail locations within the vehicle. This eliminates the need for four different component versions, namely one version each for the front rail on the left side of the vehicle, for the front rail on the right side of the vehicle, for the rear rail on the left side of the vehicle, and for the rear rail on the right side of the vehicle. See paragraph [3] of the subject application.

For the many reasons set forth above, Lange clearly does not disclose the claimed features set forth in claim 1. For similar reasons Lange does not anticipate claim 13.

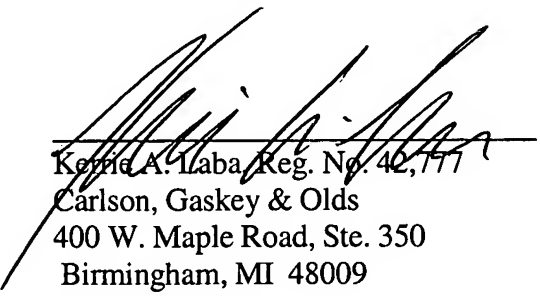
Claims 11, 12, 18, and 19 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Lange in view of Shibanushi (US 5987820). For the reasons set forth above, Lange does not disclose, suggest, or teach the features of the claimed invention. Shibanushi does not make up for the deficiencies of Lange.

Applicant respectfully asserts that the examiner's position regarding the operation and function of the various components in Lange is not accurate. The examiner appears not to fully understand how the window regulator of Lange works. Applicant is attaching a copy of US 6041549 to Schust et al., which is not an exact counterpart to Lange, but which is part of the same patent family. The Schust reference shows a window regulator that generally corresponds to the embodiment shown in the German Lange reference applied by the examiner. It is clear from the Schust reference that applicant's invention is very different from that set forth in Lange.

If the examiner continues to assert the Lange reference against the claims, applicant requests that the examiner obtain a translation of Lange such that clear support for the examiner's position regarding the specific functions and operations of the slider 9, clamping parts 10a, 10b, clamping jaw 2, etc. can be provided to applicant (" . . . obtaining translations is the responsibility of the examiner. A review by the examiner and applicant of translations of the prior art relied upon in support of the examiner's rejection may supply additional relevant evidence on issues of anticipation and obviousness . . . and may eliminate the need for an appeal.", Ex parte Gavin, 62 USPQ2d 1680, 1684 (U.S. Patent and Trademark Office Board of Patent Appeals and Interferences, 2001).)

Applicant asserts that all claims are in condition for allowance and respectfully requests an indication of such. Applicant believes that no additional fees are required, however, any additional fees or credits may be charged or applied to Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds.

Respectfully submitted,



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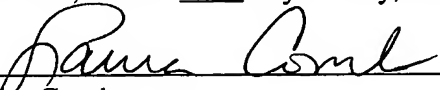
Dated: July 7, 2005



60,130-1860; 02MRA0250/023

CERTIFICATE OF MAIL

I hereby certify that the enclosed Response is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 7 day of July, 2005.

  
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Laura Combs